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**VIA ECF**

The Honorable Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, NY 10007

**Re: *Therabody, Inc. v. Tzumi Electronics LLC, et al.***  
**Civil Action No. 1:21-cv-07803-PGG-RWL**

Dear Judge Gardephe:

This firm represents defendant Therabody, Inc. ("Therabody") in the above-referenced patent litigation. We write in response to Defendant Tzumi Electronics LLC's ("Tzumi") request for oral argument (Dkt. 88) on its Partial Motion to Dismiss Certain Willfulness Claims From the Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6). Therabody does not believe oral argument on this motion to be necessary, as the parties' briefs adequately address the "case law directed to willfulness claims" that Tzumi identifies as the subject of the oral argument.

We thank the Court for its attention to this matter.

Sincerely,

/s/ Marc J. Pensabene

Marc J. Pensabene

MJP

cc: All Counsel of Record